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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,370	10/14/2005	Vasilios Orizaris	095309.56078US	4789
23911 7590 12/05/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER WILSON, KAITLIN A	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,370

Applicant(s)

ORIZARIS, VASILIOS

Examiner

Kaitlin A. Wilson

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Amendments and Applicant Arguments submitted on 09/27/2007 have been received and its contents have been carefully considered. The examiner wishes to thank the Applicant for the response to the Examiner's action.

Claims 16-24 are presented for examination.

Drawings

1. The objections to the drawings have been removed in response to the Applicant's Amendments.

Specification

1. The objections made in the previous Office Action to the specification have been removed in response to the Applicant's Amendments.
2. The disclosure is objected to because of the following informalities: page 5, "the vicinity of a location of said contact of the head" within Claim 15, is considered to be confusing. Rewording of this section is requested to clarify. The examiner suggests that the claim be changed to read "in the vicinity of the contact of the head of the vehicle...".

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: page 5, Claim 17, "during the accident". Within the claims "the accident" has not been

previously referred to. For the purpose of examination, the examiner presumes "the accident" reads "an accident".

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: page 6, Claim 19, "the upper body". Within the claims "the upper body" has not been previously referred to. For the purpose of examination, the examiner presumes "the upper body" reads "an upper body".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

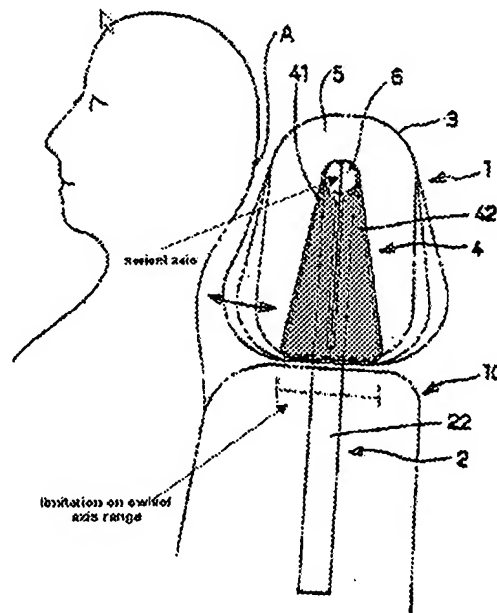
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakane et al. (US Patent Application 2001/0026091 A1) in view of Viano et al (US Patent 5,378,043).

7. In re Claim 16, with reference to Figure 1, Nakane et al. disclose a motor vehicle seat comprising:

- a seat back with a seat back support (10), and a head support (1) attached to the seat back support (10) by a connection element (22)

- a head support (3) wherein the head support (3) defines an impact plate (4) on a side facing a vehicle passenger with a basically flat area (Figure 2)
- wherein the impact plate (4) is positioned so for limited swivel (shown below) around a horizontal swivel axis (shown below, 6), so as guarantee two-dimensional contact between the head of the vehicle passenger and the impact plate during an accident.
- wherein the swivel axis (shown below) of the impact plate (4) is positioned in the vicinity of a contact of a head of the vehicle passenger on the impact plate (4)

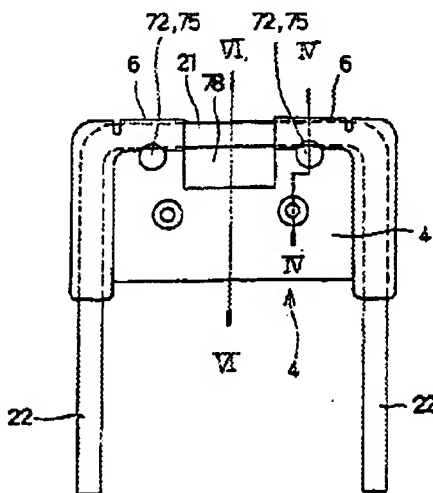


8. The examiner notes that the impact plate (3) would inherently make, two-dimensional contact of the head on the head support (3) in the event of an accident due to the adjustable nature of the head support (3).

9. In re Claim 17, Nakane et al. disclose that the swivel movement is limited (figure 1, shown above) so that independent of the position of the impact plate, two-dimensional contact of the head on the head support is guaranteed during the accident but, fails to disclose that the range is limited to 15 degrees.

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to limit the swivel range to 15 degrees, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

11. In re Claim 18, with reference to Figure 2, Nakane et al disclose that the connection element (22) is curved (paragraph 0018).



12. In re Claim 19, with reference to Figure 1, Nakane et al. discloses that independent of the position of the seat back (10) as well as the head support (3), the

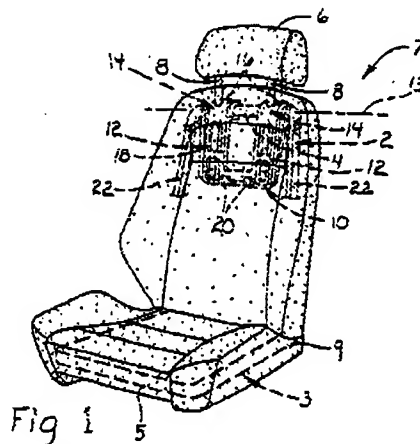
head support (3) provides a support of the head (0008), and that the radius of the connection element (22) and the forward deployed position in relation to the upper body.

13. The examiner notes that the swivel movement of the headrest is considered to result in a forward deployed position of the head.

14. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakane et al. (US Patent Application 2001/0026091 A1) in view of Viano et al (US Patent 5,378,043).

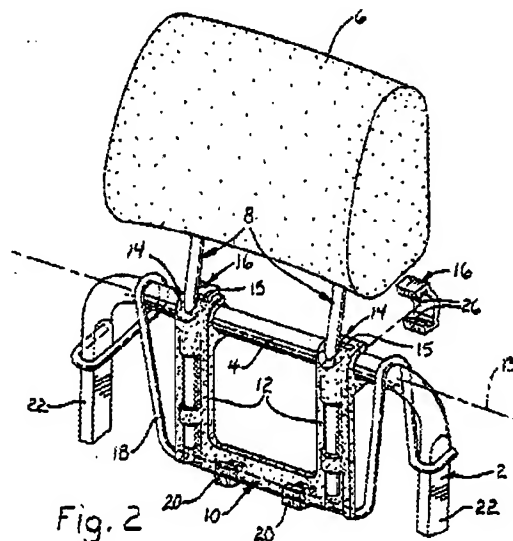
15. In re Claim 20, Nakane et al. disclose the seat and headrest as described above, but fail to disclose that the seat back support has a transverse traverse with a U-shaped profile.

16. However, with reference to Figure 1, Viano et al. disclose a seat back with two side supports down the length of the back, thus a cross-section of the seat would be in the shape of a U structure, but fails to disclose that the back support is included in the U-shaped structure.



17. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seat back of Nakane et al. with the U-shaped seat back support and structure of Viano et al., in order to better support the back of the individual sitting in the seat. In addition, In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.

18. In re Claim 21, with reference to Figure 2, Viano et al. disclose wherein the U-shaped profile (Figure 1) has a base (10) and two side flanks (12) and wherein the base (10) is longer than the side flanks (12).



19. In re Claim 22, with reference to Figure 2, Viano et al. disclose that the transverse traverse has at least one receptacle for the connection element (22).

20. In re Claim 23, with reference to Figure 2, Viano et al. disclose that the receptacle (shown below) is made in the side flanks (12).

21. In re Claim 24, with reference to Figure 1, the vehicle seat back assembly of Viano et al. inherently discloses that the transverse traverse facing sides of the seat back are inclined to the front through side arms of the seat back with shown curved area.

Response to Arguments

22. Applicant's arguments with respect to claim 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ochiai et al. (US Patent 4,844,544) teaches a forwardly rotation position of the headrest.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin A. Wilson whose telephone number is (571)-270-3206. The examiner can normally be reached on Monday - Friday (7:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571)272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kaitlin A. Wilson


DAVID DUNN
SUPERVISORY PATENT EXAMINER